

AMENDED IN ASSEMBLY APRIL 11, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 2285

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Introduced by Assembly Member Eng

February 24, 2012

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An act to add Section 13510.3 to the Penal Code, relating to peace officer training.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2285, as amended, Eng. Peace officer testing: cheating.

Existing law requires the Commission on Peace Officer Standards and Training to establish a certification program for peace officers and for the California Highway Patrol and to establish minimum standards relating to physical, mental, and moral fitness for peace officers, as specified.

This bill would make a ~~person~~ *peace officer recruit* who knowingly cheats, assists in cheating, or aids, abets, or knowingly conceals ~~any~~ efforts by others to cheat in any manner on a ~~test~~ *basic course examination* mandated by the commission ~~guilty of a misdemeanor, punishable by~~ *liable for* a fine of not more than \$5,000 per occurrence or imprisonment in the county jail not to exceed one year, or by both that fine and imprisonment. Additionally, the bill would require the ~~person~~ *peace officer recruit* to reimburse the commission for the cost of reconstructing and securing tests that have been compromised by the act of cheating, in an amount determined by the commission, but not to exceed \$25,000. The bill would disqualify a ~~person convicted of~~ *peace officer recruit who is found liable for* cheating from future eligibility as a peace officer and would require the commission to note

that disqualification in the person's training record. ~~By creating a new crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill would express the Legislature's findings and declarations relating to the Peace Officer Standards and Training examination process.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature finds and declares that the Peace*  
2 *Officer Standards and Training (POST) examination process must*  
3 *be secure and beyond reproach, and that the conduct of students,*  
4 *instructors, examiners, examinees, and staff before, during, or*  
5 *after POST examinations must be in conformance with the highest*  
6 *standards of conduct expected of a California peace officer. The*  
7 *Legislature therefore finds that a peace officer recruit should be*  
8 *liable for cheating before, during, or after any POST-mandated*  
9 *basic course examination.*

10    ~~SECTION 1.~~

11    SEC. 2. Section 13510.3 is added to the Penal Code, to read:

12    13510.3. (a) ~~A person~~ *peace officer recruit* who, *based on the*  
13 *commission's investigative findings*, knowingly cheats, assists in  
14 cheating, or aids, abets, or knowingly conceals ~~any~~ efforts by others  
15 to cheat in any manner on ~~any test~~ *a basic course examination*  
16 *mandated by the commission shall be guilty of a misdemeanor,*  
17 ~~punishable by~~ *liable for a civil* fine of not more than five thousand  
18 dollars (\$5,000) per occurrence ~~or imprisonment in the county jail~~  
19 ~~not to exceed one year, or by both that fine and imprisonment.~~

20    (b) ~~In addition to the fine described in subdivision (a), a person~~  
21 ~~convicted under this section~~ *peace officer recruit* shall reimburse  
22 the commission for the cost of reconstructing and securing tests  
23 that have been compromised by the act of cheating, as determined  
24 by the commission, but not to exceed twenty-five thousand dollars  
25 (\$25,000).

1 (c) A peace officer candidate convicted pursuant to *recruit who*  
2 *is found liable under* subdivision (a) shall be disqualified from  
3 future eligibility as a peace officer in California. When a person  
4 is determined to be disqualified under this subdivision, the  
5 commission shall place the following in the commission's training  
6 record for that person: "THIS PERSON IS INELIGIBLE TO BE  
7 A PEACE OFFICER IN CALIFORNIA PURSUANT TO  
8 SECTION 13510.3 OF THE PENAL CODE."

9 (d) For purposes of this section, "cheating" means any attempt  
10 or act by a peace officer recruit to gain an unfair advantage or  
11 give an unfair advantage to another peace officer recruit or group  
12 of recruits taking a POST-mandated basic course examination.

13 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
14 ~~Section 6 of Article XIII B of the California Constitution because~~  
15 ~~the only costs that may be incurred by a local agency or school~~  
16 ~~district will be incurred because this act creates a new crime or~~  
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
19 ~~the Government Code, or changes the definition of a crime within~~  
20 ~~the meaning of Section 6 of Article XIII B of the California~~  
21 ~~Constitution.~~